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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23363	7590	07/12/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			VU, NGOC K	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			2623	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/695,900	DAKSS ET AL.	
	Examiner	Art Unit	
	Ngoc K. Vu	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 and 17-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/24/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/2006 has been entered.

Response to Arguments

2. Applicant's arguments filed 4/24/2006 have been fully considered but they are not persuasive.

With respect to claim 10, applicant argues that fails to teach "determining whether the video object is in the video frame is viewable during a particular shot", and "video object is displayed based on video frame data". This argument is not persuasive.

Kikinis of the record teaches that enhanced entity image, i.e., car, or "video object" is associated with an URL such that the image of car may be enhanced in the display in a manner to indicate to the viewer that the image is a related region for access for further information. Kikinis further discloses enhancing the identified entity by processing data from interframe regions. Particularly, at step 91 data from the interframe regions is processed to enhance the identified entity, and the enhancement is accomplished at step 93. (see figures 3A; col. 9, lines 44-46; col. 8, lines 45-60). From this view, Kikinis the identified entity or the enhanced entity image is "the video object" being displayed based on interframe data. At step 93 (see figure 3A), Kikinis teaches that TV picture has identified entity enhanced so that the user can move cursor to are of enhanced entity image at step 99 (see col. 9, lines 44-66; figure 3A). It is noted that the system of Kikinis must know or determine which object or person being imaged is to be an URL-

associated objected or image (see col. 10, lines 62-67). This indicates that the system determines whether the entity image is viewable or enhanced during a particular view or scene.

Claim 26 includes limitations that are similar to the limitation of claim 10, therefore, the rejection of claim 26 is maintained for the same reasons as indicated with respect to claim 10 above.

With respect to claim 12, the claim 12 has been rewritten in independent form, however, the currently amended claim 12 does not include all the limitations of the base claim and any intervening claims as indicated in the previous action. Moreover, the limitations of the currently amended claim 12 are read on the teaching of Kikinis as addressed below. Accordingly, claim 12 is not in condition for allowance.

Applicant's arguments with respect to claims 13, 21-22 and 31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 12-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is indefinite because there is no antecedent basis for the limitation "said remote control" in line 8.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 10, 12, 14, 15 and 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (U.S. 5,929,849 A).

Regarding claim 10, Kikinis discloses a method for indicating to a viewer of a hyperlinked television broadcast that an video object of a video frame (image entity such as car in a video advertisement or an actor/actress in television program) has associated therewith hyperlinked information (see figures 2A, 2C and col. 5, lines 17-23; col. 10, lines 62-67), the video object being displayed based on video frame data (interframe data) (at step 93 in figure 3A; see col. 9, lines 44-66), the method comprising:

determining whether the video object in the video frame is viewable during a particular shot (the receiver 11 determines whether the image entity in the video frame is viewable/enhanced during a particular view/scene – see col. 6, lines 64-67; col. 10, lines 43-50; col. 9, lines 9-23; col. 10, lines 62-67);

displaying an interactive content icon (i.e., icon 57) responsive to the determination that the video object is viewable during the particular shot (displaying an icon 57 during the particular scene of the BMW advertisement), the icon for indicating that the object has hyperlinked information (i.e., WWW URLs) associated therewith (see figures 2A, 2C; col. 6, lines 50-53);
and

visually highlighting the video object during the particular shot (the image may be highlighted – see col. 5, lines 23-26; col. 7, lines 14-15; col. 8, lines 54-60).

Regarding claim 12, Kikinis teaches a method for indicating to a viewer of a hyperlinked television broadcast that an video object of a video frame (image entity such as car in a video advertisement or an actor/actress in television program) has associated therewith hyperlinked information (see figures 2A, 2C and col. 5, lines 17-23; col. 10, lines 62-67), the video object being displayed based on video frame data (interframe data) (at step 93 in figure 3A; see col. 9, lines 44-66), the method comprising:

displaying an interactive content icon (i.e., icon 57) responsive to the determination that the video object is viewable during the particular shot (displaying an icon 57 during the particular scene of the BMW advertisement), the icon for indicating that the object has hyperlinked information (i.e., WWW URLs) associated therewith (see figures 2A, 2C; col. 6, lines 50-53); and

visually highlighting the video object (the entity image is enhanced, i.e., the car may be highlighted) (see col. 7, lines 14-17), wherein said interactive content icon is displayed with a visual effect that automatically changes with time (the icon may be changed since a specific icon is presented for a particular brand of automobile, i.e., Ford, Chevrolet or BMW, etc. See col. 6, lines 53-60), simulating the action of depressing one or more buttons of remote control (col. 7, lines 57-60), wherein each change of the visual effect is accompanied with an automatic change of an object in the video frame that is visually highlighted (the icon may be changed since a specific icon is presented for a particular brand of automobile, i.e., Ford, Chevrolet or BMW, etc. See col. 6, lines 53-60. It is further noted that the system of Kikinis must know or determine which object or person being imaged is to be an URL-associated object or image so that the object or person may be enhanced (i.e., highlighting, color variation, brightness) in

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the display in a manner to indicate to the viewer that the dynamic image is a related region for access for further information - see col. 10, lines 62-67).

Regarding claim **14**, Kikinis discloses that the icon is displayed in response to a signal contained within the hyperlinked television broadcast (i.e., in response to position information or data from a television broadcast signal - see col. 6, lines 50-63).

Regarding claim **15**, Kikinis discloses that the icon is displayed in response to a change in a video image that is displayed (i.e., the icon is displayed in BMW advertisement, wherein the advertisement is displayed between portions of TV programs – see col. 6, lines 64-67 and figure 2A).

Regarding claim **23**, Kikinis discloses that the object is visually highlighted in response to a user command (see col. 7, lines 14-17; col. 10, lines 51-55).

Regarding claim **24**, Kikinis discloses that in the scene or the program may includes several entities (i.e., objects), and the each identified entity is enhanced in display such as an enhanced brightness (a halo) (see col. 5, lines 22-27; col. 10, lines 46-50; col. 9, lines 9-23).

Regarding claim **25**, Kikinis discloses that the object is associated with a visibility indicia (i.e., halo) indicative of whether the object is viewable during the particular shot (i.e., particular scene of the advertisement or TV program) (see col. 5, lines 22-27; col. 3, lines 28-32).

Regarding claim **26**, Kikinis discloses a hyperlinked television broadcast reception system for indicating to a viewer of a hyperlinked television broadcast that a video object of a video frame (image entity such as car in a video advertisement or an actor/actress in television program) has associated therewith hyperlinked information (see figures 2A, 2C and col. 5, lines 17-23), the video object being displayed based on video frame data (interframe data) (at step 93 in figure 3A; see col. 9, lines 44-66), the system comprising:

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a display (51, 53 – see figure 1);

a processor (19 – see figure 1);

a memory (49 – see figure 1) operably coupled to the processor and having program instructions (codes or control routines 48) stored therein (see figure 1), the processor being operable to execute the program instructions (see col. 7, lines 38-56), the program instructions including:

determining whether the video object in the video frame is viewable during a particular shot (the receiver 11 determines whether the image entity in the video frame is viewable/enhanced during a particular view/scene – see col. 6, lines 64-67; col. 10, lines 43-50; col. 9, lines 9-23; col. 10, lines 62-67);

displaying an interactive content icon (i.e., icon 57) responsive to the determination that the video object is viewable during the particular shot (displaying an icon 57 during the particular scene of the BMW advertisement), the icon for indicating that the video object has hyperlinked information (i.e., WWW URLs) associated therewith (see figures 2A, 2C; col. 6, lines 50-53); and

visually highlighting the video object during the particular shot (the image may be highlighted – see col. 5, lines 23-26; col. 7, lines 14-15; col. 8, lines 54-60).

Claim 27, see rejection of claim 23 above.

Claim 28, see rejection of claim 24 above.

Claim 29, see rejection of claim 25 above.

Regarding claim 30, Kikinis shows that the icon 57 is displayed with a visual effect, i.e., specific icon or emblem for a certain brand of automobile such as Ford, Chevrolet or BMW, that automatically changes with time, wherein each change of the visual effect is accompanied with an automatic change of an object in the video frame that is visually highlighted (in a particular

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car advertisement for a certain brand of automobile, an icon may be presented in each frame at a particular position in the frame at a predetermined time, for example, displaying a specific icon accompanied with a BMW car in the video frame 55 that is visually centered attention on – see col. 6, lines 50-63 and figure 2A).

Regarding claim 31, Kikinis teaches displaying the icon 57 on screen until the viewer interacts with the advertisement for viewing additional information (see col. 7, lines 48-67).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849 A) in view of Macrae et al. (US 20030005463 A1).

Regarding claim 21, Kikinis discloses that the icon could be the specific symbol used for that brand of automobiles such as Ford, Chevrolet or BMW (see col. 6, lines 56-58). Kikinis does not explicitly disclose that the icon comprises an alphanumeric character. Macrae teaches that icon 95 comprising letter or an alphanumeric character, i.e., letter "I", is displayed on the screen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the icon of Kikinis by including an alphanumeric character as taught by Macrae in order to visually attract the viewers.

9. Claims 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849 A) in view of Proehl et al. (US 20030131356 A1).

Regarding claims **22 and 31**, the icon 57 in the Kikinis's system is displayed with the program or advertisement as shown in figure 2A. Kikinis does not explicitly disclose that the interactive content icon (comprising text) displays or indicates a time period remaining until an interaction opportunity will occur. However, Proehl shows that an indicator or a message 1110 is displayed approximately five minutes before a program airs to alert the user of the upcoming broadcast. The message is displayed for a period of time giving the user the opportunity to record the program, tune to the program or remove the message (see figure 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kikinis by providing an indicator or message for indicating a time period remaining until an interaction opportunity will occur, i.e., selecting one of the options such as recording the program, tuning to the program or removing the message, as taught by Proehl in order to visually alert the user the upcoming broadcast.

10. Claims 11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849 A) in view of Dunn et al. (US 5,648,824 A).

Regarding claims **11 and 17**, Kikinis does not disclose that the icon reflects a subset of the buttons on the remote control, and the icon is displayed in response to a viewer's use of a remote control, respectively. However, Dunn suggests that displaying icon 100 provides control buttons corresponding to buttons 70 on remote control 40 in response to user's use of the remote control (see col. 5-6, lines 61-2 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kikinis by displaying icon provides control buttons corresponding to buttons on remote control as suggested by Dunn in order to provide viewer an on-screen visual aid controlling presentation of video.

Regarding claim **18**, Kikinis discloses that the icon conveys information about content of the hyperlinked information associated with the object (see col. 7, lines 40-42).

Regarding claim **19**, Kikinis shows that the icon conveys information about the number of objects (i.e., the plurality of image entities) having hyperlinked information associated therewith (see figure 2C; col. 10, lines 43-45).

Regarding claim **20**, Kikinis discloses that the icon conveys information about action associated with the object for allowing the user to access web pages via selecting URLs (see col. 7, lines 40-42; col. 8, lines 1-22).

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849 A) in view of Segal et al. (US 6,765,557 B1).

Regarding claim **13**, Kikinis does not teach that the interactive content icon includes a display of text that explains that functionality of the one or more buttons. However, Segal teaches an on-screen remote control having a touch pad and control buttons with labels, for example, "Vol" 76 for volume control or "CH" 74 for channel tuning as illustrated in figure 8A, "play" 80, "stop" and "rew" 82 as illustrated in figure 9 (see figures 8A and 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kikinis by displaying an on-screen remote control including labels that explains that functionality of the one or more buttons as taught by Segal in order to allow user to easily control TV in such a manner that the user does not need to look at the physical remote control during operation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2623

July 7, 2006